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The Salt Lake Tribune

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Kennecott braces for questions

Town meetings set up to discuss old tailings pond

By **Judy Fahys**
and **Derek P. Jensen**
The Salt Lake Tribune

Article Last Updated: 03/25/2008 06:47:08 AM MDT

MAGNA - Margaret Uzelac has lots of questions for Kennecott Utah Copper and the state agency that is supposed to regulate it.

Why did the company hide for so long that its old tailings pond, now a 5,700 acre embankment, might breach in a large earthquake and bury the community her daughter lives in at the northeastern edge of Magna?

Why did the state Engineer's Office agree to help the company keep the problem secret? And does the agency have the engineering reports it needs to determine if the inactive tailings pond is safe now?

"I'd like to hear what they have to say about it," said Uzelac, holding a copy of a *Salt Lake Tribune* special report on the old impoundment. "And

why they didn't say anything about it before now?"

A number of residents of the Green Meadows Estates neighborhood share Uzelac's concerns and plan

Ask Kennecott

-- Kennecott will answer questions about this issue at the Magna Community Council meeting on Thursday at the Senior Center, 8952 W. 2700 South, Magna.

-- On April 3, Kennecott representatives also will be at the Magna Town Council meeting at the Chamber Office, 9145 W. 2700 South, Magna.

-- Both meetings begin at 7 p.m.

to turn out for upcoming community meetings at which Kennecott promises to answer questions about the old tailings pond.

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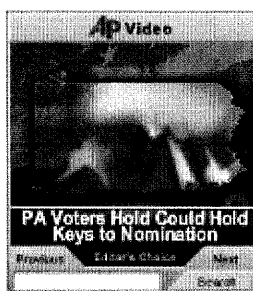


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- Rebecca Walsh: State put Kennecott ahead of our safety



The reaction from state and local officials ranged from shrugs to calls for review.

Gov. Jon Huntsman Jr. did not comment on the Kennecott cover-up and the state's role in it and instead issued a statement.

"The governor is committed to the health and safety of all Utahns," said spokeswoman Lisa Roskelly. "State regulators will continue to work collaboratively with the citizens of Magna and the company to make sure

the citizens of Utah are safe."

Utah

Attorney General Mark Sh review the *Tribune* article: investigation is warranted.

Meanwhile, Salt Lake C Corroon is calling for brie regulatory agencies - to di disclosure issue. He says i was made years ago to kee

"It sounds like much of been taken," Corroon said assured that there are no r

The mayor says it is "no to call for an investigation Office.

Such a probe must be launched by state officials anyway, insists Deputy District At unit chief for environment, natural resources and public health.

"The county doesn't have a regulatory role in terms of the mining activities at Kenn

It also is premature to assign criminal negligence regarding the lack of disclosure, s

District Attorney Lohra Mill been brought to her office for

County Councilman Mich: unincorporated Magna and re end, says he was contacted b

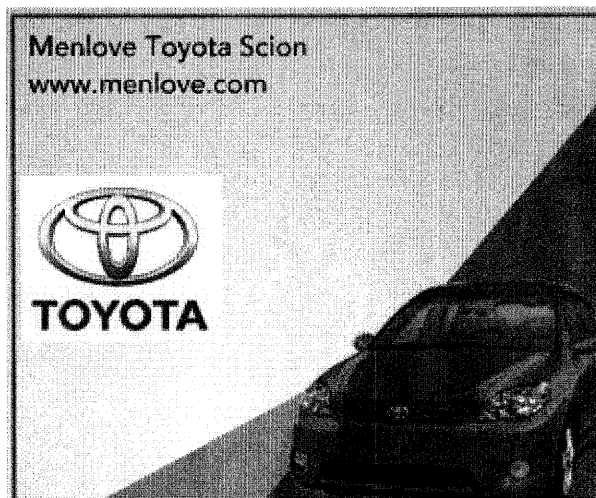
"It concerns me greatly," J taken back that they [Kennec it up."

At the same time, Jensen s Kennecott's side of the story, Thursday's town meeting.

"I want to make sure all of being heard and that their far "I would hope that Kennecot to make sure they have the co public going forward."

County Councilman Jim B

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At a glance

-- Engineers warn then-Kennecott President Frank Joklik in 1988 that the corner of a huge mine tailings pond could fail in a major earthquake, sending soupy sludge into Magna.

-- Joklik orders a cover-up to avert "panic and [law]suits"; the company starts buying homes in the subdivision, leaving them empty. State regulators agree to keep reports under wraps.

-- In 1989, Kennecott starts a 30-year project to stabilize the old pond and build a new one, at a cost of about \$550 million.

-- Ray D. Gardner, Kennecott's chief legal officer in 1997, said the firm had a "legal and moral" duty to inform the public.

-- Current President Andrew Harding, new to the job, doesn't try to explain past actions but apologizes "for the history."

more a sin of omission than c
says, should have been informed by any agency in the know.

"Generally speaking, Kennecott's been a pretty good corporate citizen, given that th
"The question is, 'What did the state know? And how culpable is the state?' "

David K. Marble, director of Utah's Dam Safety office, restated Monday that he is
authority over an impoundment that is no longer being used (since Kennecott moved :

Kennecott tailings pond photos and documents

Photo Gallery: Kennecott tailings

**Read the secret memo that detailed the
company's fears(PDF)**

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2002 to a new North Impoun
before the state's 1990 dam s
confident the old impoundme
danger to Magna residents.

Still, he said: "I will review
there's anything else we can "

The company does have d
Fitzgerald, a retired Marine a
the Magna Town Council.

"There are folks who feel
enough, but in my opinion th
backward," Fitzgerald said.

Kennecott Utah Copper spokesman Kyle Bennett said Monday the company had fi
residents Monday.

But, in a letter sent to the Green Meadows neighborhood last week, the company al
Tribune articles and tried to assure them the impoundment is safe and that current Ke
respond to the actions of past managers.

"What we can say is that today we would have engaged our community stakeholder
such important issues that might affect them," the letter said.

Owen Edwards is a Green Meadows resident who hopes to be able to attend one of
of his neighbors were looking for attorneys to represent them in a suit against the cor
have his water tested to make sure the tailings aren't affecting his health already.

Although his front window looks out at the old tailings mound, which the company
only learned about the danger in the *Tribune* stories. He said: "I'd never heard a word

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Residents said they were kept in dark even a quietly bought up homes

By Jeremiah Stettler and Steven Oberbeck
The Salt Lake Tribune

Article Last Updated: 03/23/2008 07:22:31 AM MDT

MAGNA - The wind chimes began to ring just after sunrise, which was noteworthy because they were hanging in Linda Walker's living room.

Click pho

Then the kitchen chandelier swayed and the water in the fish tank sloshed gently back and forth.

"I was scared," Walker said.

At about 7:15 a.m. on Feb. 21, a magnitude 6.0 earthquake in eastern Nevada fractured foundations, toppled chimneys and cracked joists in the small town of Wells and sent seismic ripples into the Salt Lake Valley.

While Kennecott reported no movement on its enormous mine tailings pond, near Walker's house on the northeastern corner of Magna, people all over Salt Lake County felt the vibrations.

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which no
Lake Tri

Kennecott tailings pond photos and documents

Photo Gallery: Kennecott tailings

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So the idea of a big earthquake striking the valley isn't far-fetched for Walker, who has lived in Magna for 12 years.

And now - with the revelation that Kennecott concealed the seismic risks

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facing the tailings pond less than a half mile away - the likelihood of a

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major temblor seems all the more terrifying for her.

Walker feels a little betrayed and deeply suspicious of the Utah copper giant, which used an undisclosed agent to sell her the home in 1996 - before Kennecott deemed the tailings impoundment safe.

"It won't be the first time industry has covered stuff up," she said.

Only this year did people in Walker's neighborhood learn from *The Salt*

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Lake Tribune of

Kennecott's

fears in the late 1980s that a thick river of mine tailin

While Kennecott offici minuscule that the earthen impoundment might fail n correspondence reveals th Walker's Green Meadows more than 200 homes in p

Kennecott bought home and apparently spent more stabilize the southeast corn impoundment - all the whi downplaying, the risk.

"Not knowing the poten lived here as little bubble-

said Marilyn Bell.

"That's not fair. When you buy a house, you buy it in good faith," she said. "You ex you expect the walls to stay up, and you expect the light bulbs to burn out. But you do potential that could totally devastate you in a matter of moments."

n n n

The buyer: Early in the 1990s, a mysterious homebuyer snatched up 39 homes nea leave them vacant.

Long-timers haven't forgotten about the buying spree or the feverish speculation ab "After it was all over, you could figure out who it was," said Kirk Stephens, a Gree since 1982 who suspected that Kennecott had something to do with the purchases. Th documents confirm that Kennecott had bought the homes, many foreclosed upon and unidentified agent.

Kennecott's land manager, Keith Hansen, also openly approached several property of State Road 201 along 8000 West with offers. Some were accepted.

"They never mentioned at the time that the tailings impoundment was unsafe," said the time lived in a home her father had built on 8000 West. "We were just told that th part of a buffer zone."

Kennecott officials never suggested that the sodden tailings could reach her home, showed her house was in the middle of the danger zone.

"I used to laugh about it," Norcross said. "They told me that if it [the wall] did fail i to the street and maybe slightly into the front yard. So I wasn't really terribly concern

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It wasn't until later that Norcross began to question her home's safety. She remembers working through the night in 1998 to build a 15-foot-high berm between her property and the highway. She also remembers the company posting signs along the highway warning motorists not to stop when the lights were flashing.

At the time of the purchases, Kennecott spokesman Greg Boyce had denied that the company along 8000 West had anything to do with the impoundment's instability, which some residents began to suspect.

"There is no basis or foundation for that rumor," he told the *Deseret News* in a 1999 article. "Kennecott simply wanted to create a larger buffer between its mining operations and the neighborhood."

But Kennecott had kept its fingerprints off the Green Meadows transactions.

"We knew it was a large corporation, but we didn't know who it was," Bell said. "The question was the neighborhood - 'Who's buying these houses?' - because nobody moved into them."

The empty homes soon fell into disrepair. Kennecott tried renting them, according to company documents, but reversed course in 1995 and put them back on the market.

That's when Walker came looking for a home.

A forgotten campaign: Walker bought her house without hearing a peep about Kennecott's activities in her neighborhood or about the potential safety problems with the tailings pond.

And when Kennecott officials say they launched a public relations campaign in 1998 about the seismic upgrades to its impoundment, Walker again heard nothing of it.

"Seismic risk?" she asked, scanning a company news release from the time. "Are you going to remember that?"

Today, Kennecott officials maintain that the PR campaign succeeded. Laura Jo McQuinn, president of the Magna Area Chamber of Commerce, recalls a string of public forums during the campaign.

According to company documents, Kennecott hosted up to 17 public meetings and tours of the pond during a two-month period between June 1998 and July 1998.

Invitations went out to dozens of organizations, including the Utah Seismic Safety Council, a local engineer and both Magna community councils. The company also contacted 68 households in the Green Meadows neighborhood, its documents indicate.

"Kennecott went to extra lengths to assure us they were doing all they could do," said a community councilwoman at the time.

The company touted its seismic upgrades and told community members that the tailings pond could survive even a 7.0 magnitude quake.

Kennecott was so proud of its community-outreach campaign that it wrote a "best practices" manual for the international mining association.

"As a responsible company, we have conducted extensive studies of the possible effects of the impoundment of a major earthquake," wrote Tom Albanese, then-vice president of environmental services and now president of Kennecott's parent company, Rio Tinto.

"According to a publication of the Utah Geological Survey, such an event would likely occur every 1,350 years," he wrote in a July 1998 news release. "While no matter how improbable, an event equivalent to around 7.0 on the Richter scale might be, we have been instituting further measures to protect the effect and safeguard the public."

What the community notification didn't include was that in the span of more than 10 years, one in-house and two consulting attorneys - had rebuked Kennecott executives for failing to disclose the company's activities in the neighborhood.

about the possibility that the impoundment might fail in an earthquake.

'Water under the bridge': These days, some residents shrug and others steam.

"I knew there was a risk that it might collapse in an earthquake, but it's been so long that you just don't know," said Kirk Stevens, a homeowner since 1982. "It's just one of those stories you just don't worry about until it happens."

And for longtime resident Wayne Drage, he isn't putting his house on the market at seismic stability secrets during the early 1990s.

Quite frankly, he said, "it is water under the bridge."

Not for Michael and Trina Winn.

Even if Kennecott is correct - that the tailings pond could withstand a significant seismic event, the pond's questionable history would have kept them from buying their starter home on 1st.

"We looked at 30 houses before we chose this one," Michael Winn said. "We would have bought it if we had."

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